MILLER THOMSON

Bryan J. Buttigieg

Senior Counsel

Vaughan

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Industries & expertise

INDUSTRIES

Energy and Natural Resources | Environmental

EXPERTISE

Administrative and Public Law | Environmental Law | ESG and Carbon Finance

Biography

BAR ADMISSION

Ontario, 1989

EDUCATION

- LL.B., University of Toronto, 1987
- B.A., University of Toronto, 1984

LANGUAGES SPOKEN

English, Maltese

Bryan Buttigieg stands out as a prominent figure in Canadian environmental law, leading Miller Thomson's Environmental Law Group. Deft in both litigation and advisory roles, Bryan aids in civil litigation cases and regulatory defence concerning environmental and occupational health and safety. His expertise spans

brownfields development, site remediation, property financing, and environmental damage claims, with an emphasis on clean-up costs and market value losses. Bryan's mediation background and representation of corporations and individuals highlight his versatility and client-centred approach. Bryan's dedication to the field and his clients is unwavering, earning him respect and accolades within the legal community.

Bryan's commitment to knowledge sharing is evident in his many speaking engagements and publications. From discussing extreme weather events in construction projects to unraveling environmental law complexities, Bryan's contributions to legal education are extensive. His faculty experience underscores his dedication to shaping the next generation of legal professionals, demonstrating a deep-rooted passion for environmental law advocacy.

With memberships in revered associations like the Canadian Bar Association and recognition from The Best Lawyers in Canada, Chambers Canada, and Chambers Global, Bryan's commitment to excellence shines through. Recognized as a powerhouse in environmental law, his vast expertise is underscored by certifications such as the Environmental Law Specialist from the Law Society of Ontario.

Industry involvement

Recognition

- *The Best Lawyers in Canada* – Environmental Law, 2006-2027
- *Canadian Legal Lexpert Directory*, Environmental Law, several years including 2018-2024 & 2026; Litigation – Corporate Commercial, 2021-2025; Environmental, Social & Governance (ESG), 2024-2026
- *Chambers Canada* ranked lawyer, Environmental Law, 2016-2027
- *Lexpert Leading 500 Cross-Border Lawyers: A Guide to Doing Business in Canada*, Environmental, 2025-2026
- *Lexpert Special Edition* – Energy, 2025
- *Legal 500*, Environment, 2025
- *Chambers Global* ranked lawyer, Environment, 2021-2026
- *Benchmark Litigation Canada*, Litigation Star, 2022-2026
- *Who's Who Legal*, Canada Guide – Global Leader; Environment, 2020, 2022-2023
- *Who's Who Legal*, Canada Guide – National Leader – Canada; Environment, 2020, 2022
- Recognized in the International Who's Who of Environmental Lawyers including 2016
- Certified Specialist, Environmental Law, Law Society of Ontario
- BV Rated, Martindale-Hubbell
- Who's Who Legal Canada: Environment, 2015

Thought leadership

Presentations

- Speaker, "Extreme Weather Events in a Construction Project: Are You Prepared?" Lexology in association with Miller Thomson webinar, July 26, 2022
- Speaker, "Unearthing Complexities in the Subsurface: Soil and Groundwater Essentials for Lawyers", Ontario Bar Association's Environmental Law program, February 5, 2019
- Co-presenter, "OHSA and Workplace Investigations: What You Need to Know", Miller Thomson's 2017 Labour Relations & Employment Law Conference, April 6, 2017

Publications

- "Has the risk of a municipality's health and safety liability increased?" (PDF), *Municipal World*, July 2024
- Co-author, *Environmental Law 2023 – Canada: Trends & Developments* (PDF), Chambers Global Practice Guide, January 2024
- Co-author, *Environmental Law 2022: Trends & Developments – Canada*, Chambers Global Practice Guide, January 2023
- "When Environmental Consultants' Reports Trigger Litigation Time Limits", *Canadian Consulting Engineer Magazine (Digital Edition)* pages 20-21, November/December 2021
- Co-author, *Environmental Law 2021: Trends & Developments – Canada*, Chambers Global Practice Guide, January 2022
- Author, "When Environmental Consultants' Reports Trigger Litigation Time Limits", *Canadian Consulting Engineer*, November/December 2021
- "The Expert Witness and Environmental Law Practical and Ethical Considerations for Lawyers", *Ontario Bar Association's Environmental Law Program*, February 2019
- "Workplace Violence – Are you doing enough to protect your employees from workplace violence?", *Social Impact Newsletter*, December 2016
- "Proposed New Environmental Protection Act Exemption for School Ventilation Systems", *Education Law Newsletter*, December 2016
- "Ontario Announces Risk Assessment Changes: Will the promise of quicker, cheaper brownfield risk assessments finally be realised?", *EnviroNotes!*, December 2016
- "Are you doing enough to protect your employees from workplace violence?", *Education Law Newsletter*, November 2016
- "Workplace Violence – Part 1: Are you doing enough to protect your employees from workplace violence?", *Health Communiqué*, November 2016
- "The Latest on Damages for Continuing Nuisance (Case Update: *Crombie v. McColl-Frontenac* – Limitations and Continuing Nuisance)", The Six-Minute Environmental Lawyer 2016, The Law Society of Upper Canada (now Law Society of Ontario)
- "Resolving Litigation over Contaminated Land," October 2016

- "Does Ontario Court of Appeal Midwest Decision Signal Big Changes to Environmental Civil Litigation in Ontario?" *EnviroNotes!*, December 2015
- "Liability and Green Buildings," *Canadian Consulting Engineer*, May, 2014
- "Consulting Engineers Help Develop New Ontario Soil Background Data for Use in Brownfield Site Remediations," *Canadian Consulting Engineer*, December, 2010
- "Ontario's Water Opportunities and *Water Conservation Act*," *EnviroNotes!*, September 2010
- "Environmental Approvals Reform in Ontario," *EnviroNotes!*, September 2010
- "The Crown Duty to Disclose in Criminal Proceedings: *R v. McNeill*," *Criminal Law, Regulation & Enforcement Newsletter*, June 2010
- "Ministry of the Environment Announces Framework for Major Overhaul of Ontario's Environmental Approvals," *EnviroNotes!*, April 2010
- "After the Spill: Issues to Consider in Dealing with the Long Term Implications and Liabilities of a Spill," *OBA Institute of Continuing Legal Education*, February 2010
- "Tough on Noise," *REM (Resource Engineering and Maintenance) Magazine*, Winter 2009 (CLB Media Inc. retains article copyright and has granted permission for posting on this web site)
- "Dead Cows (and other environmental claims)," *Leasing Times*, January 2009
- "The Obligation to Provide Personal Protective Equipment—What if No 'Appropriate PPE' Exists?" *Construction and Infrastructure Law Newsletter*, December 2009
- "Ontario's Toxics Reduction Act, 2009 to Come into Force," *EnviroNotes!*, December 2009
- "The New Apology Acts—Caution Still Applies When Saying You are Sorry," *Criminal Law, Regulation & Enforcement Newsletter*, November 2009
- "Ontario Court Limits Interrogation Powers," *Criminal Law, Regulation & Enforcement Newsletter*, April 2009
- "Statutory Obligations, Provincial Offences and Due Diligence—How to be Prepared," *Charities and Not-For-Profit Newsletter*, March 2008
- "Ontario MOE Announces New Brownfields Standards," *EnviroNotes!*, Fall 2008
- "Not Knowing Penalties Could Get Executives in Serious Trouble," *Canadian FundRaiser eNews*, March 2008
- "Landowners as Developers of Contaminated Lands: Examining Assessment, Site Characterization and Standard Selection, Remediation and Development," *Corporate Liability*, Vol. XI, No.4, 2007
- "Brownfields Changes Proposed in Ontario: Horizontal Severances ('Pie Crusts') to be Prohibited?" *EnviroNotes!*, February 2007
- "Environmental Regulations Affect the Construction Industry Too," *Construction and Infrastructure Law Newsletter*, Spring 2007
- "Polluter Pays: Read On!" *Leasing Times*, February 2007
- "PCB Use and Storage to be Eliminated Across Canada Under Proposed Federal Regulations," *Communiqué for the Health Industry*, December 8, 2006

- "Charities as Developers of Contaminated Lands: What you Need to Know," *Charities and Not-For-Profit Newsletter*, May 2006
- "New Environmental Review Tribunal Rules Allow Costs Awards Against Parties," *EnviroNotes!*, February 2006
- "Brownfields Update—Mandatory RSC Filing Will Become Law On October 1, 2005," *EnviroNotes!*, June 2005
- "Ontario's Brownfield Amendments Take Effect," *EnviroNotes!*, November 2004
- "Engineers & the law," *Canadian Consulting Engineer*, 2004
- "The Supreme Court of Canada Endorses the Concept of 'Polluter Pays'—But What Does it Mean?" *EnviroNotes!*, November 2003
- "Ontario Court of Appeal Clarifies Law of Due Diligence," *EnviroNotes!*, April 21, 2003
- "Accepting Gifts of Potentially Contaminated Lands," *Charities and Not-for-Profit Newsletter*, September 2002
- "Court of Appeal Releases Decision in *Tridan v. Shell*," *EnviroNotes!*, January 23, 2002
- "What Can You Pour Down the Drain?" *Communiqué for the Health Industry*, November 2, 2001

Faculty Experience

- Guest Lecturer, "The Role of the Environmental Expert in Environmental Litigation," School of Engineering, University of Guelph
- Guest Lecturer, "The Role of the Environmental Engineer in Environmental Litigation," Faculty of Engineering, University of Toronto

Notable matters

- Environmental counsel to purchaser of former oil refinery property on environmental risk management, regulatory approvals, Record of Site Condition, and brownfield development.
- Environmental counsel to prominent brownfield developer on the purchase, remediation, development, and subsequent sale of several brownfield sites across Ontario.
- *R. v. Petro-Canada*, 2009 CarswellOnt 2224 (trial of a company charged with failing to comply with a condition of its certificate of approval by exceeding the effluent limit for oil and grease from an oil separator).
- *R. v. Petro-Canada*, 2008 CarswellOnt 6540 (trial of an employer charged with two counts of failing to take reasonable precautions for the protection of workers under s. 25(2)(h) of the *Occupational Health and Safety Act*).
- *Ontario (Ministry of Labour) v. Brant Corrosion Control Inc.*, 2008 CarswellOnt 8593 (trial of a company and two of its employees charged with an aggregate of seven offences contrary to the *Occupational Health and Safety Act*).

- *R. v. Petro-Canada* (2008), 36 C.E.L.R. (3d) 284, 78 W.C.B. (2d) 630 (appeal by Crown from a judgment granting a motion for non-suit in the trial of an accused company on a charge of failing to comply with a certificate of approval issued by the Ministry of Environment).
- *R. v. Devlan*, 2007 CarswellOnt 8911 (trial of contractors charged with failing to ensure a safe workplace).
- *Lionhead Investments Inc. v. Petro-Canada*, 2006 CarswellOnt 3624 (action on the interpretation of an indemnity agreement executed as part of a real estate transaction involving a contaminated site).
- *Ontario (Director under the Environmental Protection Act) v. Becker Milk Co.*, 2005 CarswellOnt 5161 (appeal by the director from a decision of the Environmental Review Tribunal awarding the costs of appeal to the respondents).
- *Residents Against Company Pollution Inc.*, Re, 1997 CarswellOnt 1395 (Ont. Env. App. Bd.) (appeals from a decision of the Environmental Appeal Board, granting leave to appeal portions of the certificate of approval issued to Petro-Canada).

Community roles

- Durham Children's Aid Society
- Durham Environmental Advisory Committee
- Allies of Frenchman's Bay Association
- Noise Reduction Task Force
- Paddle the Don (Toronto and Region Conservation Authority)
- Rouge Watershed Task Force
- Royal Canadian Yacht Club Heritage Committee
- Wilderness Canoe Association

Corporate directorships

- President, Durham Children's Aid Society, 2016
- Vice-President, Durham Children's Aid Society, 2015
- Director, Durham Children's Aid Society, 2014
- Past Chair, Rouge River Watershed Task Force
- Past Executive Member, Environmental Law Section, Ontario Bar Association

Memberships & affiliations

- Canadian Bar Association
- American Bar Association
- Frenchmen's Bay Yacht Club
- National Brownfields Association

- The Advocates' Society